

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RENEWED PETITION UNDER 37 C.F.R. §1.47(a)	ATTORNEY DOCKET NO. 70078.0009USWO	
	U.S. APPLICATION SERIAL NO. 10/519,166	CONFIRMATION NO. 5276
	BASED ON INTERNATIONAL APPLICATION NO. PCT/FR2003/001933	
	INTERNATIONAL FILING DATE 24 June 2003	
INVENTOR(S) Marie-Line ABOU CHACRA-VERNET et al.	EXAMINER Unassigned	GROUP ART UNIT N/A
TITLE OF APPLICATION SOLID PHARMACEUTICAL COMPOSITION CONTAINING A LIPOPHILIC ACTIVE PRINCIPLE AND PREPARATION METHOD THEREOF		

Mailstop PCT
Assistant Commissioner for Patents
PCT Legal Department
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
26 JAN 2007
Legal Staff
International Division

Dear Sir:

Responsive to the Decision on Petition of August 25, 2006, Applicants hereby submit this
Renewed Petition Under 37 C.F.R. 1.47(a) in view of the following.

02/12/2007 SBASHEIR 00000011 071337 10519166
01 FC:1463 200.00 DA

STATEMENT OF FACTS

1) Applicants gratefully acknowledge the Decision on Petition of August 25, 2006, wherein the PCT Legal Office of the U.S. Patent and Trademark Office indicates that only requirement (2) of 37 CFR 1.47(a) remains to be satisfied in order to constitute a grantable petition;

2) Specifically, the PCT Legal Office has found it inappropriate to conclude that Dominique TOSELLI has refused to execute a Declaration for this application inasmuch as, thus far, the:

... evidence does not demonstrate that a complete copy of the application papers was presented to him ... See "Discussion" at page 1 of the Decision on Petition of August 25, 2006;

3) In reply, attached to this Renewed Petition is:

a) a facsimile dated November 6, 2006, from Sophie Goulard of Cabinet Ores indicating that on October 3, 2006, a copy of the international publication (PCT/FR2003/001933) and Declaration and Assignment forms were forwarded to Mr. Dominique TOSELLI in an effort to obtain his execution of each (Exhibit C);

b) a "STATEMENT OF FACTS" by Sophie Goulard, dated November 6, 2006, which explains the efforts made to obtain executed Declaration and Assignment forms from Mr. Dominique TOSELLI, and that no executed Declaration and Assignment forms were ever returned despite a written request to do so by October 19, 2006 (Exhibit D);

c) also attached herewith are Exhibits A and A', which are, respectively, copies of the letter sent to Mr. Dominique TOSELLI and an English translation thereof dated October 3, 2006; and

d) further attached herewith is a notice of receipt by Mr. Dominique TOSELLI and English translation dated October 13, 2006 (Exhibit B).

REQUEST FOR RELIEF

The above-noted Exhibits A, A', B, C and D clearly evidence that Mr. Dominique TOSELLI was provided with a copy of the international application and Declaration and Assignment forms for execution on October 13, 2006. However, Ms. Goulard's Declaration (Exhibit D) makes clear that despite a written request to return the executed Declaration and Assignment forms by October 19, 2006, Mr. TOSELLI did NOT do so. In fact, Exhibit D makes clear that as of November 6, 2006, executed Declaration and Assignment forms had still not been returned by Mr. TOSELLI to Cabinet Ores. This clearly is sufficient basis from which to conclude that Mr. TOSELLI had no intention of executing a Declaration for this application.

Accordingly, in view of evidence which establishes that Mr. TOSELLI has refused to execute a Declaration for this application within the meaning of 37 CFR 1.47, it is respectfully urged that the original Petition of October 26, 2005, be granted.

Favorable consideration is earnestly solicited.

S/N 10/519,166

Attorney Docket No. 70078.0009USWO

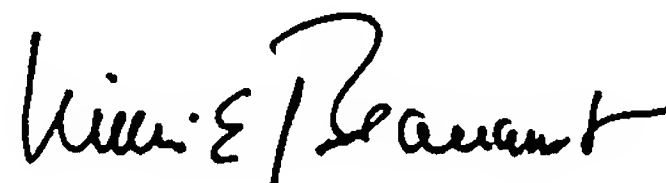
If any clarification to the above remarks is needed, it is urged that the undersigned be contacted at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.

November 27, 2006

Date



William E. Beaumont
Registration No. 30,996

P.O. Box 2903
Minneapolis, Minnesota 55402-0903
Telephone No. (202) 326-0300
Facsimile No. (202) 326-0778

23552

Patent & Trademark Office

EXHIBIT A



36, rue de St Pétersbourg
75008 PARIS
Tél. (33) 01 53 21 11 00
Fax (33) 01 53 21 08 88
(33) 01 53 21 08 63

http://www.cabinet-ores.com
E-mail : ores@cabinet-ores.com

BÉATRICE ORES ☐☐
PHARMACIEN DIPLÔME
DE LA FACULTÉ DE PARIS

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BERNARD ORES ☐☐☐
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LICENCIÉE ES-SCIENCES

MARIE-JOSÉ VIALLE-PRESLES ☐☐☐
DOCTEUR EN PHARMACIE

PHILIPPE JACQUARD ☐☐
INGÉNIEUR INPG

THIERRY SCHWARTZ ☐☐
DOCTEUR-INGÉNIEUR EN PHYSIQUE

SOPHIE GOULARD ☐☐
MAÎTRE ES-SCIENCES ANALYSES
BIOLOGIQUES ET BIOCHIMIQUES

VALÉRIE CORIZZI ☐☐
INGÉNIEUR ÉCOLE POLYTECHNIQUE (PARIS)
DOCTEUR EN CHIMIE

MICHEL BOUNCHES ☐☐
INGÉNIEUR ENZACET

VÉRONIQUE MARCADI ☐☐
INGÉNIEUR ÉCOLE CENTRALE PARIS
DOCTEUR EN BIOLOGIE

CHANTAL NOËL ☐☐
INGÉNIEUR ESCOM

HÉLÈNE LEBLOIS-PRÉHAUD ☐
DOCTEUR EN MICROBIOLOGIE
DOCTEUR VÉTÉRIINAIRE

XAVIER RATABOUL ☐
INGÉNIEUR ENSAT

STÉPHANIE PATARIN ☐
DOCTEUR EN BIOLOGIE MOLECULAIRE

ENRICO PRIORI ☐
INGÉNIEUR ÉCOLE CENTRALE PARIS

THOMAS CHANTEREAU ☐
DESS GENIE CELLULAIRE

SERVICE JURIDIQUE

GUY CARDELLI ☐☐
MAÎTRE EN DROIT
DESS DE DROIT DE LA PROP. INDUSTRIELLE

NATHALIE ROUSSET ☐☐
MAÎTRE EN DROIT DES AFFAIRES

GENÉVIÈVE VU THANH ☐☐
LICENCIÉE EN DROIT DES AFFAIRES

FABRICE PIGEAUX
DESS DROIT DU MCI

SERVICE ADMINISTRATIF

ERIC ANDRIEU
DIRECTEUR ADMINISTRATIF ET FINANCIER

ANNIE LECUYER
RESPONSABLE ADMINISTRATIVE

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FABRICE SAUSSEREAU
DESS DROIT INFORMATIQUE
ET SYSTEME D'INFORMATION

☐ CONSEIL EN PROPRIÉTÉ INDUSTRIELLE
☐ MANDATAIRE EN BREVETS EUROPÉENS
☐ MANDATAIRE AGRÉE PRIS L'OHMI
☐ DIPLOMÉES DU CEPI

S.A. au Capital de 360 000,00 €
380 823 179 R.C.S. Paris

RECOMMANDE AR

Dominique TOSELLI
21 Boulevard Arcole
31000 TOULOUSE

Paris, le 3 octobre 2006

**Demande de Brevet américain N° 10/519,166 issue de la Demande
Internationale N° PCT/FR2003/001933 du 24 juin 2003**

Au nom de : CLL PHARMA

Pour : « Composition pharmaceutique solide contenant un principe
actif lipophile, son procédé de préparation. »

Inventeurs : ABOU CHACRA-VERNET Marie-Line, ZAKARIAN Noël,
TOSELLI Dominique, GIMET René, LARUELLE Claude

Priorité : France n° 02 07831 du 25 juin 2002

N/Réf.: SG/LD - F106600010/US/PCT

Cher Monsieur,

Par courriers recommandés du 14 mars et du 23 juin 2005, nous vous avons
envoyé, pour signature, une Déclaration et Pouvoir combinés ainsi qu'un
document de cession pour les Etats-Unis.

A ce jour, vous ne nous avez toujours pas renvoyé ces documents signés.

Nous nous permettons de vous les retourner à nouveau accompagnés d'une
copie de la publication de la Demande Internationale, dont est issue la
Demande de Brevet américain en référence, ainsi que d'une copie du texte
tel que déposé aux Etats-Unis afin que vous puissiez identifier sans
équivoque l'invention concernée.

Ces documents devant être déposés le 25 octobre 2006 au plus tard, nous
vous demandons de bien vouloir nous les retourner signés avant le
19 octobre 2006.

Dans cette attente, nous vous prions de croire, Cher Monsieur, en
l'expression de nos sentiments distingués.

S. GOULARD

B. ORES

P.J. : Cession, Déclaration et Pouvoir combinés, copie de la Demande
Internationale publiée et du texte tel que déposé aux USA.

EXHIBIT A'

Annex A'

Recorded delivery letter

Paris, October 3, 2006

Dominique TOSELLI
21 Boulevard Arcole
31000 TOULOUSE

**US Patent Application No. 10/519,166 issued from International Application
PCT/FR03/01933 of 24 June 2003**

In the name of **CLL PHARMA**
In respect of : "Solid pharmaceutical composition containing an active
 lipophile ingredient, and preparation process thereof"
Inventors: **ABOU CHACRA-VERNET Marie-Line, ZAKARIAN Noël,**
 TOSELLI, Dominique, GIMET René, LARUELLE Claude
Priority: **FRANCE – No. 02 07831 of 25 June 2002**

N/Ref: SG/LD - F 106600010/WO/PCT

Dear Sir,

By recorded delivery letters of March 14 and June 23, 2005, we transmitted you a combined Declaration and Power of Attorney and an Assignment for execution.

To date, you have not returned the executed documents.

We take the opportunity to re-send these forms accompanied by a copy of the publication of the International Application, from which is issued the US Patent Application in reference, and a copy of the text as filed in the USA in order to allow you to identify without equivocation the concerned invention.

As these forms must be filed at the latest before October 25, 2006, we ask you please to send us the executed documents **no later than October 19, 2006.**

In the meantime,

Yours faithfully

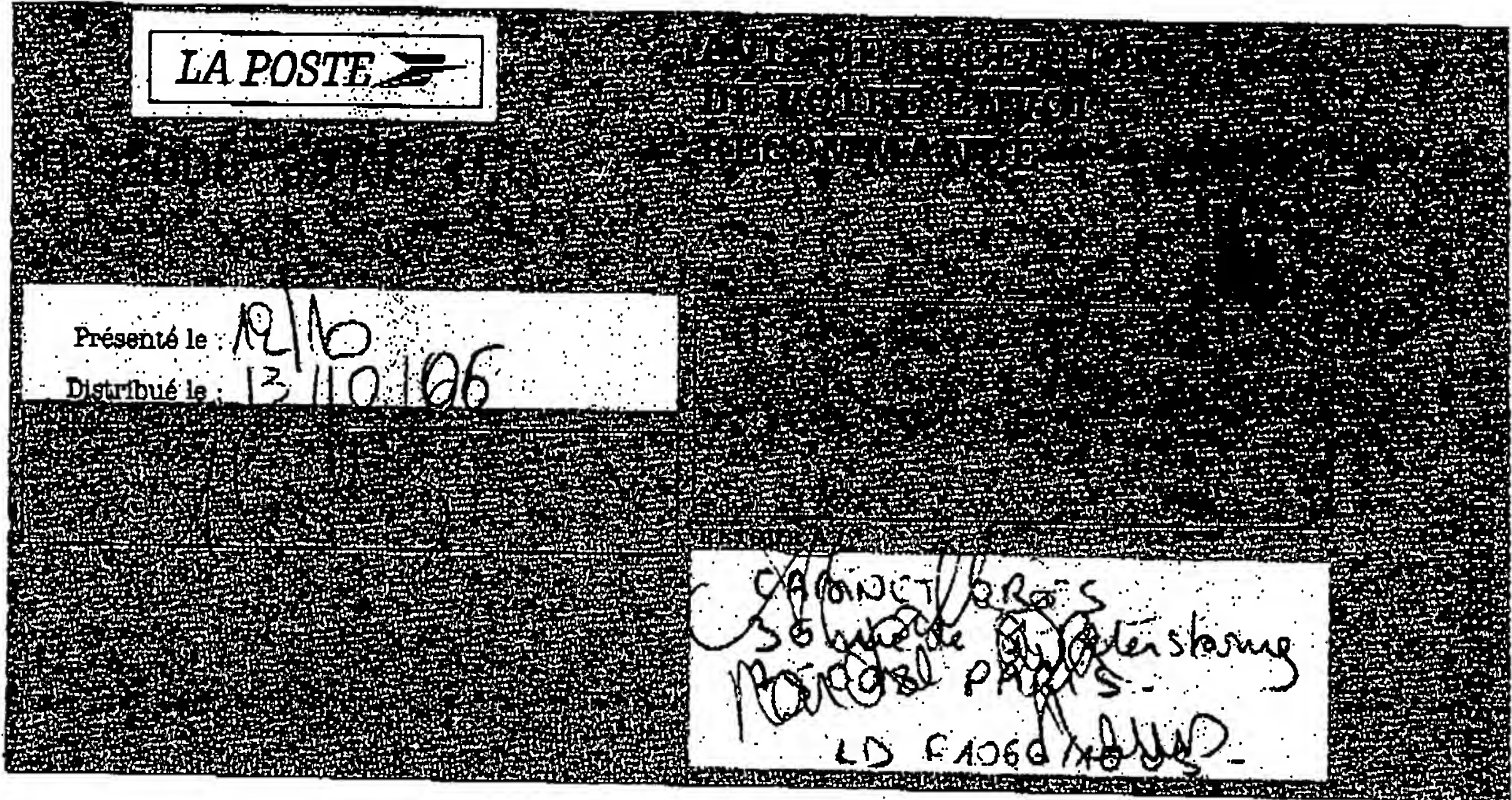
(Signature)
S GOULARD

(Signature)
B.ORES

Enc: Assignment, combined Declaration and Power of Attorney, copy of the International Demande as published and copy of the text as filed in the USA

EXHIBIT B

BEST AVAILABLE COPY



Translation of the registered docket (Annex B)

LA POSTE

Sending of a registered mail with
notice of receipt

(NO of the receipt)

ADDRESSEE

Mr Dominique TOSELLI
21 boulevard Arcole
31000 TOULOUSE

presented on: October 12, 2006
Dealt on : October 13, 2006
Signature of the addressee :

SENDER

CABINET ORES
36 rue de Saint Petersburg
75008 PARIS
(LD F1066/10US)

EXHIBIT C



36, rue de St Pétersbourg
75008 PARIS

Tél. (33) 01 53 21 11 00
Fax (33) 01 53 21 08 88
(33) 01 53 21 08 63

http://www.cabinet-ores.com
E-mail : ores@cabinet-ores.com

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MARIE-JOSÉ VIALLE-PRESLES ☐☐☐
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FABRICE PIGEALUX ☐
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☐ MANDATAIRE AGREE PRÈS L'OHMI
☐ DIPLOMÉ(D) DU CEPI

S.A. au Capital de 360 000,00 €
380 223 179 R.C.S. Paris

Telecopy and Confirmation

MERCHANT & GOULD P.C.
901 Fifteenth St. N.W.
Suite 850
US-WASHINGTON, D.C. 20005
USA

MERCHANT & GOULD
RECEIVED

NOV - 6 2006

D.C. OFFICE

RECEIVED WITH THANKS

Attention to Mr Bill Beaumont

John Beaumont

Paris, November 6, 2006

US Patent Application No. 10/519,166

Issued from International Application PCT/FR2003/001933 filed on
June 24, 2003

In the name of : CLL PHARMA

For : « Solid pharmaceutical composition containing a lipophilic active
principle and preparation method thereof. »

Invention : ABOU CHACRA-VERNET Marie-Line, ZAKARIAN Noël,
TOSELLI Dominique, GIMET René, LARUELLE Claude

Priority : France N° 02 07831 of June 25, 2002

Y/Ref.: 70078.15USWO

O/Ref.: SG/LD - F106600010/US/PCT

Dear Sirs,

We write further to your email of September 5, 2006.

We regret to read that the Examiner does not follow our arguments relating
to the ability of Mr Toselli to identify the invention in reference mentioned
in the Declaration and the Assignment.

As a consequence, we have re-sent, on October 3, 2006, the above cited
forms to the inventor together with a copy of the international publication
and a copy of the US text as filed.

The inventor has received our letter on October 13, 2006 but, without
surprise, has not returned the executed documents.

Please prepare and file a renewed Petition on the basis of the following
documents:

- A Statement of facts,
- A copy of our letter sent to the inventor with an English translation
thereof (annexes A and A'),
- A copy of the executed notice of receipt with an English thereof
(annex B).

We hope that these new proofs will suite with the approval of the Examiner.
Of course, we remain at your disposal for further information.



Brief acknowledgement of receipt of these instructions and the accompanying documents upon receipt by facsimile would be very much appreciated.

Very truly yours,

S. GOULARD

B. ORES

Encls. : as mentioned above

EXHIBIT D

STATEMENT OF FACTS

US Patent Application No. 10/519,166

Issued from PCT Application PCT/FR2003/001933 of June 24, 2003

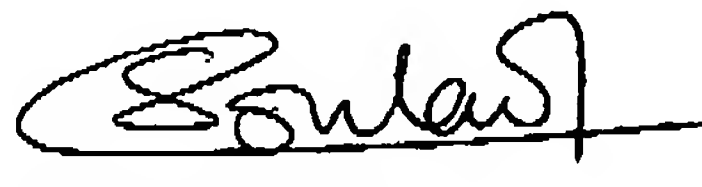
Applicants : ABOU CHACRA-VERNET Marie-Line, ZAKARIAN Noël, TOSELLI Dominique, GIMET René, LARUELLE Claude

For: *Solid pharmaceutical composition containing a lipophilic active principle and preparation method thereof.*

I undersigned Mrs Sophie GOULARD, declare and state that :

1. I am a Patent Attorney of the CABINET ORES, a Patent and Trademark Attorneys Office which address is 36 rue de Saint Petersburg, 75008 Paris, France.
2. I declare that a diligent effort has been made to provide the inventor Dominique TOSELLI with opportunity to sign the Declaration and the Assignment in favour of CLL PHARMA. Hereunder, the steps taken in order to obtain the signature of this inventor are listed:
 - The Declaration and the Assignment have been re-sent to Mr. Dominique TOSELLI on October 3, 2006 by our Firm (copy of the letter and its English translation enclosed as annexes A and A'). A copy of the International publication of the above mentioned PCT Application and a full copy of the US text as filed were attached to said forms. This registered letter and its annexes have been received by the inventor on October 13, 2006 (Copy of the executed notice of receipt with its English translation enclosed as Annex B).
 - In our letter, we asked the inventor to execute the Declaration and the Assignment and to send us these documents before October 19, 2006. Our letter remains without follow-up to date.
3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any Patent issued thereon.

Date : November 6, 2006


S. GOULARD